

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,  
Plaintiff

vs.

\$1,790,021 in U.S. Currency,  
Defendant

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:

CIVIL NO. 1:CV-01-1084

(JUDGE RAMBO)

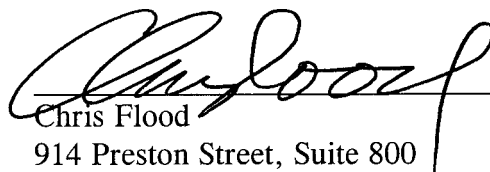
VERIFIED CLAIM AND STATEMENT OF INTEREST

NOW COMES ALEJANDRO MARTINEZ-LOPEZ, Claimant herein, by and through his attorney of record, Chris Flood, and files this Verified Claim and Statement of Interest to the above-referenced property.

1. Attached as **Exhibit A** is a true and correct copy of the Verified Claim and Statement of Ownership in response to the Drug Enforcement Administration's Notice of Seizure, wherein Alejandro Martinez-Lopez claims under oath and penalty of perjury that he is true owner of the \$1,790,021 U.S. Currency in this case. **Exhibit B** is a copy of the DEA's acknowledgment and acceptance of the claim.

Respectfully submitted,

FLOOD & FLOOD




Chris Flood  
914 Preston Street, Suite 800  
Houston, TX 77002  
(713) 223-8877  
(713) 223-8879 (Fax)  
State Bar No. 07155700  
Federal I.D. No. 9929  
Attorney for Claimant

VERIFICATION

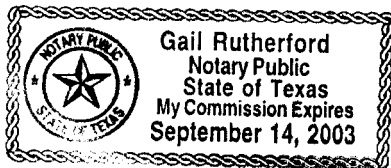
THE STATE OF TEXAS       §  
                                     §  
COUNTY OF HARRIS       §


BEFORE ME, the undersigned authority, on this day personally appeared Chris Flood,  
who, after being by me first duly sworn, on his oath deposed and said:

My name is Chris Flood. I am the attorney of record for Alejandro Martinez-Lopez, true owner of the \$1,790,021 made the subject of this claim, and I verify that Exhibit A is a true and correct copy of Mr. Martinez-Lopez's affidavit/claim of ownership submitted to the Drug Enforcement Administration.

  
Chris Flood

SUBSCRIBED AND SWORN TO before me on July 25, 2001.



  
Notary Public in and for The State of Texas

**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing Verified Claim and Statement of Interest has been served on Theodore B. Smith, III, Assistant U.S. Attorney, by mailing same to 228 Walnut Street, P.O. Box 11754, Harrisburg, PA 17108-1754 by certified mail, return receipt requested, on July 26, 2001.

  
Chris Flood

## FLOOD & FLOOD

ATTORNEYS AT LAW  
914 PRESTON AVENUE, SUITE 800  
HOUSTON, TEXAS 77002-1832

TELEPHONE (713) 223-8877  
FACSIMILE (713) 223-8879

CHRIS FLOOD  
CHARLES FLOOD

OF COUNSEL  
JOHN FLOOD

March 30, 2001

Forfeiture Counsel  
Asset Forfeiture Section  
Office of Domestic Operations  
Drug Enforcement Administration  
600 Army-Navy Drive  
Arlington, Virginia 22202

By FedEx

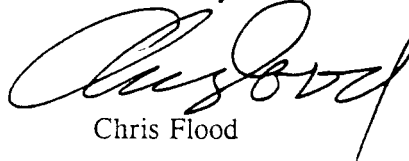
Re: Asset ID: 1-DEA-387346  
Case Number: CW-01-0011  
Property: \$1,790,021.00 U.S. Currency  
Asset Value: \$1,790,021.00  
Seizure Date: 12/29/00  
Seizure Place: Harrisburg, PA  
Owner Name: Martinez-Lopez, Alejandro  
Seized From: Montelongo, Jose  
Judicial District: Middle District of Pennsylvania

Dear Forfeiture Counsel:

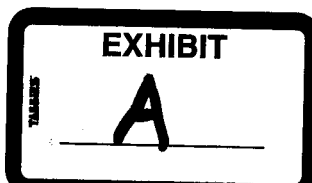
I represent Alejandro Martinez-Lopez, true owner of the above-described property. Enclosed is his affidavit/claim of ownership pursuant to Title 18 United States Code § 983.

Mr. Martinez-Lopez hereby requests that this matter be referred to the appropriate United States Attorney's office so that judicial proceedings may be initiated in the appropriate United States District Court. The referenced property was seized through law enforcement misconduct. The Government's failure to return the unlawfully seized property results in a quasi-contractual duty of the Government as a constructive trustee on Claimant's behalf. Claimant hereby puts the United States Government and all its interested agencies on notice that failure to return the referenced property subjects them to liability for all of Claimant's attorney fees and expenses, as well as pre- and post-judgment interest, pursuant to Title 28 United States Code § 2465(b)(1)(A), (B) and (C).

Yours very truly,

  
Chris Flood

CF:gr



AFFIDAVIT

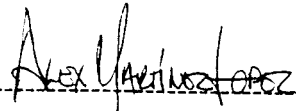
BEFORE ME, the undersigned authority, on this day personally appeared ALEJANDRO MARTINEZ-LOPEZ, who, after being by me first duly sworn, on his oath deposed and said:

My name is Alejandro Martinez-Lopez, My address is Ave Industrial Sta Catarina 121 Mty N.L. Mex. And my telephone number is 0115283150730. My attorney is Chris Flood, 914 Preston, Suite 800, Houston Texas 77002, telephone number 7132238877. I desire that all correspondence, notice of seizure or claim of forfeiture filed by the Government be sent to me in care of my attorney at his address.

I am the true owner of the \$1,790,021.00 United States currency seized on 12/29/00/ in Harrisburg, Pennsylvania, by Trooper Tim Lougnecker of the Pennsylvania States Police.

I obtained the above-referenced property in the regular course of my money exchange business and auto purchasing and sales business.

I attest and declare under penalty of perjury that my claim of this property is not frivolous, and the information provided in support of my claim is true and correct.

  
-----

ALEJANDRO MARTINEZ-LOPEZ

SUBSCRIBED AND SWORN TO before me on March 22 2001

EN LA CIUDAD DE MONTERREY, CAPITAL DEL ESTADO DE NUEVO LEON, a los ( 30 ) treinta días del mes de Marzo del (2001) dos mil uno, ante mi. Licenciado PABLO H. QUIROGA GARZA, Titular de la Notaría Pública Número (57) cincuenta y siete, con ejercicio en esta Ciudad, compareció el señor ALEJANDRO MARTINEZ LOPEZ, quien dió por generales ser: Mexicano por nacimiento, mayor de edad, Casado, Licenciado en Derecho, al corriente en el pago del Impuesto sobre la Renta, sin justificarlo de momento, Originario de México, D.F., donde nació el día 01 de Agosto de 1963, Identificandose con Pasaporte Mexicano No. 97340030259 y con domicilio en: Av. Industrial No. 121 en Santa Catarina, Nuevo León y de paso en esta Ciudad. Y D I J O :- Que reconoce como suya y de su puño y letra la firma con que suscribe el Escrito que antecede, misma que utiliza en todos los actos y negocios de su vida, que la RATIFICA en todas y cada una de sus partes por ser su deliberada e irrevocable voluntad, el suscrito Notario Público dio lectura integral en voz alta al Escrito, haciéndole saber el alcance y efectos legales del mismo, manifestandome quedar debidamente enterados y ser conformes. Los documentos con que se identificaron los comparecientes los tengo a la vista, doy fe de los mismos y los regreso a su presentante, previa copia que dejo en esta Notaría a mi cargo.- LO QUE HAGO CONSTAR PARA QUE SURTA LOS EFECTOS LEGALES CORRESPONDIENTES, a la presente se le asigna el Número ( 95,716 ), del Libro de Actas fuera de Protocolo que se lleva en esta Notaría a mi cargo.- DOY FE,-----

LIC. PABLO H. QUIROGA GARZA  
TITULAR DE LA NOTARIA  
PUBLICA NUMERO 57



NOTARIA PUBLICA No. 57  
TITULAR  
LIC. PABLO H. QUIROGA GARZA  
MONTERREY, NUEVO LEON, MEXICO  
PRIMER DISTRITO

\*\* PATTY \*\*



U. S. Department of Justice  
Drug Enforcement Administration  
Office of Domestic Operations

APR 17 2001

CERTIFIED MAIL/RETURN RECEIPT

Mr. Alejandro Martinez-Lopez  
C/o Chris Flood  
Attorney at Law  
914 Preston Avenue, Suite 800  
Houston, TX 77002-1832

ASSET ID NUMBER	CASE NUMBER	PROPERTY DESCRIPTION
01-DEA-387346	CW-01-0011	\$1,790,021.00 U.S. Currency
JUDICIAL DISTRICT: Middle District of Pennsylvania		

Dear Mr. Martinez-Lopez:

This Drug Enforcement Administration (DEA) has received your claim for the seizure referenced above. The following information is provided:

XX Your claim has been accepted and this matter has been referred to the United States Attorney for the Civil Division in the judicial district noted above. Please direct all inquiries regarding this matter to that office.

\_\_\_\_\_ Your claim and petition have been accepted and this matter has been referred to the United States Attorney for the Civil Division in the judicial district noted above. Please direct all inquiries Regarding this matter to that office.

\_\_\_\_\_ Your claim for the property referenced above is being **returned** because it was received **after the last date to file** which was \_\_\_\_\_.

\_\_\_\_\_ Petitions for Remission and/or Mitigation of forfeiture may be filed until the date the property is disposed of according to law. Since you submitted a petition along with your claim, this office will administratively rule on your petition. It is anticipated that this process will take a minimum of **120 days** before a decision can be rendered on the merits of the petition. Please be assured that all petitions are handled on a "**first-in, first-out**" basis.

RECEIVED  
APR 23 2001



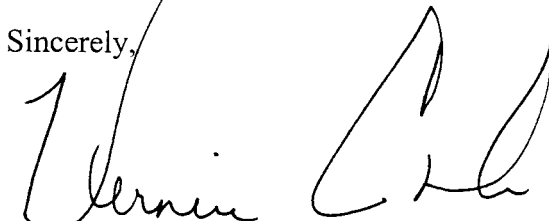
-2-

Although you did **not** file a Petition for Remission and/or Mitigation, along with your claim, as a matter of discretion, we will allow you **20 days**, from receipt of this letter, to file a petition for an administrative ruling by this office before the property is disposed of according to law. Please note that your petition must be sworn to under penalty of perjury. For your ready reference, the acceptable language required by statute is as follows:

"I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date) (Signature)".

Please ensure that **all documents and correspondence regarding this matter, reference the DEA asset identifier and case numbers noted above** and be addressed to the Drug Enforcement Administration, Office of Domestic Operations, Asset Forfeiture Section, Caller Number 91017, Arlington, Virginia 22202.

Sincerely,



Asset Forfeiture Section  
Office of Domestic Operations

CLAIM.ACKNOWLEDGE.LETTER (AUG. 00)

BY: NMC AD CODE #: 601  
NMC